IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 3069/2005

PETITIONER : Pachkaud Ram Kurram,
S/o Shri Thotha Ram Kurram,
aged about 27 years,
Occupation- Assistant Teacher, R/o
village & Post Basta Nar,
District- Baster, Jagdalpur (C.G.).

R.R. No. 3307/05
Presented by Shri ... Adv.
dated 14/7/05

-Versus-

RESPONDENTS : 1. State of Chhattisgarh,
Through the Secretary,
Adim Jati Tatha Anusuchit Jati
Vikas Vibhag, Mantralaya, Dau
Kalyan Singh Bhawan, Shastri
Chowk, Raipur (C.G.).

2. The Director,
Adim Jati Tatha Anusuchit
Jati Vikas Vibhag, Raipur (C.G.).

3. The Collector (Adivashi Vikas
Shakha), Jagdalpur (C.G.).

4. The Assistant Director,
Adim Jati Tatha Anusuchit
Jati Vikas Vibhag, Collectorate
Building, Jagdalpur (Baster) (C.G.).

RECEIVED-COPY
14-7-05
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC.OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER.

Details of the petition

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 3068/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

18.07.2005

Shri Prashant Jaiswal, Sr. Advocate with Shri Vinay Pandey, counsel for the petitioner,

Shri Bhaskar Pyashi, Panel Lawyer for the State/respondents No. 1 to 4 on advance copy.

Heard finally with the consent of the parties.

The petitioner who was working as Assistant Teacher in Janpad Prathmik Shala Bade Bode Nar, Vikas Khand Basta Nar, District- Bastar (C.G.) has been transferred to Purva Madhyamik Shala Haker, Vikas Khand Koylibeda, District- Kanker (C.G.). This order has been issued by the Dy. Secretary of the State of Chhattisgarh on 24.09.2004 (Annexure-P/4).

Learned counsel for the petitioner submits that the transfer of the petitioner has been effected on administrative ground as has been mentioned in column No. 4 of the impugned transfer order dated 24.09.2004 (Annexure-P/4). He further submits that even after passing of such a long period, the petitioner has not been relieved from present place of posting for joining on the new place of posting. He further submits that this transfer order contained in Annexure-P/1 dated 24.09.2004 has not been cancelled or altered till date so far as petitioner's case is concerned. He draws the attention of this Court towards the averments made in Para- 5.5 of the petition which specifically states that ***"this transfer order of the petitioner has not even been cancelled"***.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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On the other hand, learned counsel for the State submits that he is not in a position to say anything regarding the cancellation or change etc. in relation to the impugned transfer order.

In the facts and circumstances of the case, I am of the opinion that a conditional order can be passed in this petition and the petition may be disposed of finally.

It is hereby directed that if the order of transfer of the petitioner has not been cancelled or varied, the petitioner shall be relieved within a period of 15 days from the date of production of certified copy of this order before the concerned authority. It is made clear that if the order of transfer has been cancelled or changed or varied in any manner by the concerned authority, this order passed by this Court shall have no efficacy.

With the aforesaid observations, the petition stands finally disposed of.

Consequently, M.W.P. No. 2564/2005, 5974/2005 & 5975/2005 also stand disposed of.

Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge